THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.34408 of 1997

DATED: 28.03.2007

Between:

A.Indra Reddy .. Petitioner

And

The Managing Director, APSRTC,
Musheerabad, Hyderabad and another. .. Respondents

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.34408 of 1997

ORDER:

This Writ Petition is filed questioning the proceedings of the Depot Manager, APSRTC, Sircella, Karimnagar District, the 2nd respondent, vide proceedings No.01/197(2)/97-SRCL, dated 16.08.1997, whereunder he has imposed on the petitioner a penalty of reduction of pay by two incremental stages permanently.

(2) At the hearing of the case, the learned counsel for the petitioner fairly admitted that against the order passed by the 2nd respondent, an appeal lies to the Divisional Manager, Andhra Pradesh State Road Transport Corporation (for short 'A.P.S.R.T.C'), Karimnagar, under Regulation 22 of Employees (Classification, Control and Appeal) Regulations, 1967, of APSRTC. The petitioner failed to make out a case that this case falls in any of the exceptions to approach this Court under Article 226 of the Constitution of India bypassing of the appeal remedy provided under the relevant regulations. It is well settled legal position that a person cannot approach this Court seeking judicial review under Article 226 of the Constitution of India, if an effective alternative remedy is available. The exceptions for this rule are either the authority, which passed the order, has no jurisdiction to do so or the order was passed in violation of principles of natural justice.

Neither of these two situations exists in this case. Therefore, in my considered opinion, the Writ Petition filed bypassing the effective alternative remedy of filing the appeal, cannot be adjudicated on merits.

(3) The Writ Petition is, therefore, dismissed. However liberty is given to the petitioner to file an appeal before the appellate authority within four weeks from today and on such filing appeal, the appellate authority shall entertain the same and dispose it of on merits.

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(**C.V.NAGARJUNA REDDY,J)**

28.03.2007.
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